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MONTANA LEGISLATIVE HISTORY

Chapter 180 19 95

Bill H 161 S _____ Original bill & history ✓ C

H. Committee on Judiciary		S. Committee on Judiciary	
Hearing Date(s) Jan 20	✓ C	Hearing Date(s) March 2	✓ C
Jan 24	✓ C	_____	____ C
_____	____ C	_____	____ C
_____	____ C	_____	____ C
Date Out Jan 24	✓ C	March 2	✓ C.

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____ Report _____

HB 160 INTRODUCED BY CURTISS, ET AL.

REGULATE ARRESTS, SEARCHES, AND SEIZURES BY FEDERAL EMPLOYEES

1/12	INTRODUCED		
1/12	FIRST READING		
1/12	REFERRED TO JUDICIARY		
1/20	HEARING		
2/16	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/18	2ND READING PASSED	60	39
2/20	3RD READING PASSED	60	38
	TRANSMITTED TO SENATE		
2/21	FIRST READING		
2/21	REFERRED TO JUDICIARY		
3/17	HEARING		
3/20	MINORITY COMMITTEE REPORT—BILL CONCURRED AS AMENDEI		
3/20	MAJORITY COMMITTEE REPORT—BILL NOT CONCURRED AS AMENDED		
3/21	MOTION FAILED TO ADOPT MINORITY COMMITTEE REPORT	24	26
3/21	MAJORITY COMMITTEE REPORT ADOPTED (HB 160 RETURNED TO THE HOUSE)	27	23
3/22	RECONSIDERED ADOPTION OF MAJORITY COMMITTEE REPORT AND PLACED ON 2ND READING (COMMITTEE AMENDMENTS INCLUDED IN BILL)	26	23
3/24	(HOUSE ACCEDED TO SENATE REQUEST AND RETURNED HB 160 TO THE SENATE)		
3/25	2ND READING CONCURRED	24	21
3/27	3RD READING CONCURRED	26	24
	RETURNED TO HOUSE WITH AMENDMENTS		
4/05	2ND READING AMENDMENTS CONCURRED	86	13
4/06	3RD READING AMENDMENTS CONCURRED	68	32
4/08	SIGNED BY SPEAKER		
4/10	SIGNED BY PRESIDENT		
4/10	TRANSMITTED TO GOVERNOR		
4/15	VETOED		

HB 161 INTRODUCED BY CURTISS, ET AL.

INCREASE PENALTY FOR SEXUAL ABUSE OF CHILDREN BY POSSESSING ANY VISUAL OR PRINT MEDIUM IN WHICH CHILDREN ARE ENGAGED IN ACTUAL OR SIMULATED SEXUAL CONDUCT

1/12	INTRODUCED		
1/12	FIRST READING		
1/12	REFERRED TO JUDICIARY		
1/13	FISCAL NOTE REQUESTED		
1/16	FISCAL NOTE RECEIVED		
1/17	FISCAL NOTE PRINTED		
1/20	HEARING		
1/25	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/26	2ND READING PASSED	100	0
1/27	3RD READING PASSED	95	0
	TRANSMITTED TO SENATE		
1/28	FIRST READING		
1/28	REFERRED TO JUDICIARY		
3/02	HEARING		
3/03	COMMITTEE REPORT—BILL CONCURRED		
3/07	2ND READING CONCURRED	49	0
3/08	3RD READING CONCURRED	48	0

	RETURNED TO HOUSE		
3/11	SIGNED BY SPEAKER		
3/15	SIGNED BY PRESIDENT		
3/17	TRANSMITTED TO GOVERNOR		
3/22	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 187		
	EFFECTIVE DATE: 10/01/95		

HB 162 INTRODUCED BY TAYLOR

CHANGE DEFINITION OF PROSPECTING AND EXTEND APPLICATION PERIOD FOR RENEWAL OF A MINING PERMIT

BY REQUEST OF THE DEPARTMENT OF STATE LANDS

1/12	INTRODUCED		
1/12	FIRST READING		
1/12	REFERRED TO NATURAL RESOURCES		
1/23	HEARING		
1/26	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/28	2ND READING PASSED	93	5
1/30	3RD READING PASSED	98	0
	TRANSMITTED TO SENATE		
1/31	FIRST READING		
1/31	REFERRED TO NATURAL RESOURCES		
3/01	HEARING		
3/08	COMMITTEE REPORT—BILL CONCURRED		
3/10	2ND READING CONCURRED	43	0
3/11	3RD READING CONCURRED	39	0
	RETURNED TO HOUSE		
3/13	SIGNED BY SPEAKER		
3/14	SIGNED BY PRESIDENT		
3/14	TRANSMITTED TO GOVERNOR		
3/17	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 159		
	EFFECTIVE DATE: 10/01/95		

HB 163 INTRODUCED BY KASTEN, ET AL.

GENERALLY REVISE REQUIREMENTS FOR BID SECURITY AND CONTRACT PERFORMANCE SECURITY

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

1/12	INTRODUCED		
1/12	FIRST READING		
1/12	REFERRED TO BUSINESS & LABOR		
1/13	FISCAL NOTE REQUESTED		
1/16	FISCAL NOTE RECEIVED		
1/17	FISCAL NOTE PRINTED		
1/18	COMMITTEE REPORT—BILL PASSED		
1/20	PLACED ON CONSENT CALENDAR		
1/20	OBJECTION TO CONSENT CALENDAR FILED		
1/23	2ND READING PASSED	99	0
1/24	3RD READING PASSED	99	0
	TRANSMITTED TO SENATE		
1/25	FIRST READING		
1/25	REFERRED TO BUSINESS & INDUSTRY		
2/01	HEARING		
2/08	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
2/28	2ND READING CONCURRED	49	0
3/01	3RD READING CONCURRED	46	0

House BILL NO. 161

INTRODUCED BY Curtis Benedict Brainard Denny ORR
Scott Doll Peggy Arnott

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTY FOR SEXUAL ABUSE OF CHILDREN BY POSSESSING ANY VISUAL OR PRINT MEDIUM IN WHICH CHILDREN ARE ENGAGED IN ACTUAL OR SIMULATED SEXUAL CONDUCT; AND AMENDING SECTION 45-5-625, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-5-625, MCA, is amended to read:

"45-5-625. Sexual abuse of children. (1) A person commits the offense of sexual abuse of children if the person ~~knowingly~~:

(a) knowingly employs, uses, or permits the employment or use of a child in an exhibition of sexual conduct, actual or simulated;

(b) knowingly photographs, films, videotapes, develops or duplicates the photographs, films, or videotapes, or records a child engaging in sexual conduct, actual or simulated;

(c) knowingly persuades, entices, counsels, or procures a child to engage in sexual conduct, actual or simulated, for use as designated in subsection (1)(a), (1)(b), or (1)(d);

(d) knowingly processes, develops, prints, publishes, transports, distributes, sells, ~~possesses with intent to sell,~~ exhibits, or advertises any visual or print medium in which children are engaged in sexual conduct, actual or simulated;

(e) knowingly possesses ~~material referred to in subsection (1)(d)~~ any visual or print medium in which children are engaged in sexual conduct, actual or simulated; ~~or~~

(f) finances any of the activities described in subsections (1)(a) through (1)(d) and (1)(g), knowing that the activity is of the nature described in those subsections; or

(g) possesses with intent to sell any visual or print medium in which children are engaged in sexual conduct, actual or simulated.

(2) (a) Except as provided in subsections (2)(b) and (2)(c), a person convicted of the offense of sexual abuse of children shall be fined not to exceed $10,000 or be imprisoned in the state prison for any term not to exceed 20 years, or both.

(b) If the victim is under 16 years of age, a person convicted of the offense of sexual abuse of children shall be fined not to exceed $10,000 or be imprisoned in the state prison for any term not to exceed 50 years, or both.

(c) A person convicted of the offense of sexual abuse of children for the possession of material, as provided in subsection (1)(e), shall be fined not to exceed ~~$500~~ $10,000 or be imprisoned in the ~~county jail~~ state prison for a term not to exceed ~~6 months~~ 10 years, or both.

(3) An offense is not committed under subsections (1)(d) through ~~(1)(f)~~ (1)(g) if the visual or print medium is processed, developed, printed, published, transported, distributed, sold, possessed, or possessed with intent to sell, or if such an activity is financed, as part of a sex offender information or treatment course or program conducted or approved by the department of corrections and human services."

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0161, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:
A bill increasing the penalty for sexual abuse of children by possessing any visual or print medium in which children are engaged in actual or simulated sexual conduct.

ASSUMPTIONS:
1. A total of two (2) offenders had been admitted to Montana State Prison upon conviction of 45-5-625, MCA, for the time period FY85 through FY94.
2. The Department of Corrections and Human Services (DCHS) has no means to estimate the impact of the proposed amendments of this bill.

FISCAL IMPACT:
Impossible to determine fiscal impact of this bill. DCHS estimates this bill will have a minimal impact on DCHS.

Dave Lewis 1-16-95

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

AUBYN CURTISS, PRIMARY SPONSOR DATE

Fiscal Note for HB0161, as introduced

HB 161

REP. KOTTEL asked if he was referring to the Montana Supreme Court or to the U. S. Supreme Court.

Mr. Connor replied, "The Montana Supreme Court."

REP. KOTTEL asked if there is a U. S. Supreme Court ruling on this issue.

Mr. Connor did not believe there is. This is based on Montana State Constitutional principles, not U. S. Supreme Court principles.

Closing by Sponsor:

SEN GAGE pointed out that this deals only with criminal cases. There was some concern about this being a big government bill. These are cases where the people are being represented in court with regard to persons who have been accused of violations of state law. The intent is to level the playing field.

{Tape: 1; Side: A; Approx. Counter: 30.6.}

HEARING ON HB 161

Opening Statement by Sponsor:

REP. AUBYN CURTISS, HD 81, said HB 161 is designed to strengthen the law against sexual abuse of children. The most significant change is that by virtue of the language it changes the offense for possession from a misdemeanor to a felony.

Proponents' Testimony:

Dallas Erickson, Montana Citizens for Decency through Law, said that when the law was passed two years ago, the penalty for possession was changed from a felony to a misdemeanor. Since it was passed he knew of two cases of possession of child pornography. He also talked about national cases involving child pornography. He said that today the material is underground and pedophiles are the ones who possess it and he discussed the studies which demonstrate how this material is used to seduce children as well as to blackmail children and for personal sexual arousal. He cited a Supreme Court ruling in a New York case which occurred because of the existence of child pornography.

{Tape: 1; Side: A; Approx. Counter: 39.1}

Sharon Bakerson, Majority Against Child Molestation (MACeM), reported they had found that 80% of child molesters include pornography as part of the molestation process. It is almost impossible to get a child molestation case into a county court. Therefore, this bill is important.

John Connor, Montana County Attorneys Association, told the committee that it has generally been the position of the association that matters now being requested for enhanced penalties are within the authority of the legislature to decide and they will abide by those decision. They are generally in favor of strengthening laws relating to crimes against children. Crimes against children are difficult to prove, they are most often done in secret and always involve trauma beyond the actual commission of the crime. He has learned in his experience with crimes of this nature that people who commit the kinds of crimes involving children and sex are not able to be cured though they can be contained with appropriate supervision. He also has experience which says that those people very frequently possess pornographic material involving children engaged in sexual acts so much so that search warrants are issued to look for that type of material in investigation of these cases. The value of this bill extends beyond imprisonment to extended supervision of those defendants.

Arlette Randash, Eagle Forum, submitted written testimony in support of HB 161. **EXHIBIT 2**

Sharon Hoff, **Executive Director, Montana Catholic Conference,** spoke in support of HB 161 and submitted a portion of a document, *Putting Children and Families First,* written by U. S. Catholic Bishops Conference. **EXHIBIT 3**

Ken Moore, Chair, Montana Religious Legislative Coalition and Montana Association of Churches, said recently he was stunned to find that the largest clients for the sales of computers in San Francisco is the pornography industry. He believes that the impact on our communities is going to be very great. The organization he represents is concerned that children be protected from exploitation and abuse especially those which would impair the healthy development and growth of children.

Laurie Koutnik, Executive Director, Christian Coalition of Montana, rose in support of HB 161 and submitted her written testimony. **EXHIBIT 4**

<u>Opponents' Testimony</u>:

Scott Crichton, Executive Director, American Civil Liberties Union (ACLU), asked questions for the purpose of scrutiny between the real deterrents and real children as opposed to some of the new language on line 22 which raises questions for civil libertarians. It seemed to him as the bill was written literary classics such as *Lolita, Romeo and Juliet* and others could be included since they show in print or visual medium children engaged in sexual conduct. He felt that the age of children it refers to is unclear and that the intent should be described with more precise language on line 22 which would exempt work of literary or artistic merit. He said that the court in the Fervor case said a clear distinction needed to be made between an actual

child and the printed word on the printed page. He said there are some societies which outlaw drawing or painting anybody who is a minor and there needs to be some clarity whether this is the intent of this bill as well.

Informational Testimony:

EXHIBITS 5 and 6 are submitted for informational testimony in support of HB 161.

Questions From Committee Members and Responses:

(Tape: 1; Side: A; Approx. Counter: 58.8)

REP. KOTTEL asked **Mr. Connor** to speak to the issue of computer images and possession of pornographic material.

Mr. Connor said that in any crime there must be evidence which is proof of guilt beyond reasonable doubt. He agreed with the assessment of the problem with computer images which have not been printed out and said he would be willing to work with the committee to amend the bill to address that problem. He referred to the definition of sexual conduct in 45-5-620, MCA. The bill last session changed the wording from "contact" to "conduct."

REP. KOTTEL referred to the same section of the code and pointed out that the wording does not include computer imaging. She suggested amending that section to include computer imaging.

Mr. Connor agreed to including the words, "electronic transmission."

REP. KOTTEL thought the medium of telephone "sex talk" should also be included.

Mr. Connor said that 45-5-625(1)(c), MCA, contemplates some kind of communication between the prospective defendant and the child.

REP. KOTTEL asked if his judgment was that they could prosecute an adult who engages in phone sex with a minor under that section.

Mr. Connor replied that they could, but how to prove it would be another thing without a recording of the conversation.

REP. KOTTEL said subsections (d), (e), (f), and (g) were under the section on sexual abuse of children and not under its own section in terms of possession. She posed the problem that it would be difficult to prove the person in the photo was a minor and not a young adult who looks younger. She said this would set it up so that it must be proven that the photograph is actually a minor because of situations where the material is imported from another state and also through the passage of time as well as the difficulty in locating the subject shown in the

photograph. With this section under child abuse, the burden of proof is that it was indeed a child rather than putting this section under the possession of obscene material which purports to have an adult engaging in sex with a child.

Mr. Connor said that it goes the way of the evidence. The prosecutor and the jury must decide on the weight of the evidence whether in their minds the subject was indeed a child. It is not necessary to bring the subject to the court. In Montana a child is anyone under the age of 18. If there were any question of the age, he would not file a charge. As a prosecutor, he is ethically obligated not to pursue a criminal charge unless he believes a conviction can be obtained. Most of what he has seen as evidence involves children six to eight years old.

REP. KOTTEL referred to the testimony of **Mr. Crichton** in saying that she did not believe the intent was to ban literature, yet technically the possession of Shakespeare's *Romeo and Juliet* would be considered pornographic as this bill is written.

Mr. Connor replied he didn't think this bill addressed a book with a narrative discussion. Instead it was a description of being engaged in sex acts as opposed to actually being engaged. The intent is to say that you can't possess photographs which depict actual sex acts involving children as opposed to narrative description in literature.

REP. CLIFF TREXLER shared that next to his business there is a one-hour photo lab who's owner wanted to know his liability if someone brought pornographic film involving children to his lab to be processed.

{Tape: 1; Side: A; Approx. Counter: 69.3}

Mr. Connor spoke to that in terms of criminal prosecution. The person processing the film is not possessing it within the definition of knowingly possessing it for this purpose, so that they are not committing a criminal act. He does not know of any law that requires them to report suspected child abuse. He did not know what civil liabilities they might have. Usually this type of material is not developed locally and there is a sophisticated method of distribution.

REP. MOLNAR asked **Mr. Crichton** if he had any written amendments which would clarify age or the other issues he had testified to would present problems for civil libertarians.

Mr. Crichton said he did not. He said that he would talk with his advisory committee to see if there were some suggestions. He interjected that this proposed legislation could also apply to some sex education programs.

REP. MOLNAR asked if he would be willing to bring forward amendments to the committee to consider.

Mr. Crichton said that if the advisory committee thought it was within their ability to respond with written language, he would share it with the committee.

REP. LOREN SOFT believed there were statutes on the books which compel adults to report any child abuse. He assumed that would apply to the photo developer.

Mr. Connor responded that under title 41 there is a statute which delineates who is obligated by law to report suspected abuse. He did not believe that there is a general reporting obligation while there are specifics.

Closing by Sponsor:

REP. CURTISS directed the committee to page 2, lines 9 and 10, where the language addresses the concern about the sex education programs. She recalled hearing much about poor law enforcement regarding obscenity and pornography and submitted that much of that could be cured relative to child pornography if this change were adopted. Only by providing strong deterrents are those persons in our society who have no qualms about preying on the innocent for financial gain going to be stopped.

{Tape: 1; Side: B}

CHAIRMAN CLARK relinquished the chair to **VICE CHAIR SHIELL ANDERSON.**

EXECUTIVE ACTION ON SB 26

Motion: **REP. MOLNAR MOVED SB 26 BE CONCURRED IN.**

Discussion: **REP. MOLNAR** said he believed this was a reasonable solution and could not see any problem with this legislation.

Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 1

Motion: **REP. BILL CAREY MOVED SB 1 BE CONCURRED IN.**

Discussion: **REP. DUANE GRIMES** pointed out to the committee that past review of this bill which is proposed every session has caused the committee to get bogged down. He especially remembered the committee's past involvement with the issues in section 15 of the bill.

REP. CURTISS asked if this section could be segregated out by a motion for the committee to address.

HOUSE OF REPRESENTATIVES

Judiciary

ROLL CALL DATE 1/26/95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bob Clark, Chairman	✓		
Rep. Shiell Anderson, Vice Chair, Majority	✓		
Rep. Diana Wyatt, Vice Chairman, Minority		✓	
Rep. Chris Ahner		✓	
Rep. Ellen Bergman	✓		
Rep. Bill Boharski	✓		
Rep. Bill Carey	✓		
Rep. Aubyn Curtiss	✓		
Rep. Duane Grimes	✓		
Rep. Joan Hurdle	✓		
Rep. Deb Kottel	✓		
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Brad Molnar	✓ late		
Rep. Debbie Shea	✓ late		
Rep. Liz Smith	✓ late		
Rep. Loren Soft	✓		
Rep. Bill Tash	✓		
Rep. Cliff Trexler	✓		

EXHIBIT 2
DATE 1/20/95
HB 161

January 20, 1995

House Judiciary Committee
HB 161
Arlette Randash / Eagle Forum

In the Ferber case the Court recognized that it may be difficult, it not impossible, to stop the sexual exploitation of children by pursuing only those who produce child pornography. Citing the clandestine nature of child pornography the Court said "the only practical method of law enforcement may be to 'dry up the market' for this material." The prohibition of the mere possession of child pornography is a necessary incident to 'drying up the market' for a product found to be extremely harmful to the youth of our nation. These laws are entirely consistent with other court decisions and are very different from other "obscenity" decisions because of the nature of little children damaged in the production of pornography.

As has been stated by other proponents this is an invisible crime because the distribution of child porn is underground. However, there are over 350 child pornography magazines published in the United States. And even though this industry tends to be invisible its effect is not. Montana has seen several pedophile cases in recent years. People who use child porn usually act their deviancy out.

Because of these facts and because this law would give teeth and tracking ability through increased incarceration time and penalties I urge a 'do pass' on HB 161.

Sharon Hoff MT Catholic Conf. Proponents HB 161 EXHIBIT DATE 1/20/95 HB 161

mented the needs of children and the failures of our society to meet those needs. And increasingly, experts and organizations including marriage and family counselors have shown signs of rethinking the positive values of stable marriage, the human costs of easy divorce laws, the social costs of excessive individualism, and the consequences of economic pressures on families.

We welcome and support renewed efforts of the helping professions to promote the reconciliation of spouse as a viable alternative to divorce. We acknowledge the significant changes in family life; we affirm the major contributions of women in the work force; and we support and applaud the often heroic efforts of single-parent families. We also emphasize the value of parents staying together and sacrificing to raise children. Children generally do best when they have the love and support – personal and material – of both their parents.

Many single-parent families overcome huge economic and social obstacles, but others are overwhelmed by these forces. Government efforts need to help families stay together and overcome the many pressures that pull families apart. We owe special help to those parents – mothers or fathers – who face family life alone, knowing how discrimination and other forces make a difficult job even tougher. This is especially true when single parenthood is combined with poverty, as it often is.

A. Protecting the Lives of Children

1. Unborn Children

From conception, unborn children are most at risk from this nation's antilife policy of abortion on demand. The ultimate example of powerlessness is to be destroyed before birth. And a terrible sign of national failure is the implicit suggestion to many women – especially poor women – that they must choose between life for their unborn child and a decent future for themselves and for their families. We need to shape a society where economic and social forces do not leave women facing fundamental questions of life and death alone and isolated without the support of a caring community. We reiterate our strong opposition to abortion and government funding for abortion. We will continue through education to expose the realities of abortion, to promote life-giving alternatives to abortion, and to provide the loving choice of adoption and caring support for pregnant women and mothers and children, especially the poor.

Unborn children are also at risk from AIDS and substance abuse, both of which call for expanded national efforts at education and prevention, the provision of prenatal and other health care, and treatment and rehabilitation of abusers of alcohol and other drugs.

2. Abuse and Neglect

Children are hurt and killed by violence within families. Families are destroyed by verbal, physical, and sexual abuse. These brutal and tragic realities threaten the lives and welfare of millions of children and women. They require education, treatment, and prevention. The family must be a place of safety, not of danger. And society must act to protect children and women from family violence and sexual abuse. Physical and sexual abuse of children constitutes a terrible betrayal of trust, a threat to their emotional and physical health, and a challenge for every institution that serves children. Child pornography represents a particularly terrible threat to children. They serve as subjects in the production of pornography and sex objects for those who make use of pornographic materials. This illegal and immoral use of children for sexual purposes and profit must be confronted and stopped. Pornography demeans women, degrades our society, and destroys the love at the center of human sexuality. We need effective, constitutional remedies which protect children, women, and all of society.

Growing violent abuse and neglect of infants and children have led to families where children are not only rejected but also endangered and to the phenomenon of the "no parent" family. These sad realities have created widespread strains on our child welfare system, including lack of adequate foster homes, inadequate support services, a shortage of trained personnel, inappropriate placements, and a serious absence of preventive services. System-wide reform is called for, including special attention to families where there is substance abuse and families in which children have serious emotional problems.

Parents should not have to worry about losing their jobs when they welcome a new child, nurse a sick spouse, or comfort a dying parent.

The primary goal of reform should be preserving families, wherever possible, through long-term, home-based services and programs designed to meet individual family needs before children's safety is jeopardized. We need far more coordination in the provision of family services, emphasizing prevention and replacing fragmented individual programs with concern for the whole family.

We also support policies which assist families who choose to adopt children or provide loving foster care for children at risk. Special efforts are needed to help minority and older children and children with disabilities find loving and supportive homes. Creative public policy and private action are needed to help every child find a home where his or her unique needs can be met.

B. Economic Help for Families

1. Poverty and Families

Poverty is not merely the lack of adequate financial resources. It often entails a more profound kind of deprivation; a denial of full participation in the economic,

EXHIBIT
DATE 1/20/95
HB 161

Mr. Chairman, members of the committee:

For the record, my name is Laurie Koutnik, executive director of Christian Coalition of Montana, the largest grassroots family advocacy organization in our state. I rise to support HB 161, strengthening the law concerning the possession of child pornography from a misdemeanor to a felony offense.

Two years ago when Rep. Jim Rice introduced our current law, it met with overwhelming and unanimous support in both houses. At that time, John Connor, representing the Mt. County Attorneys Ass. testified that this measure was needed because of the strong link between the possession of child pornography and people arrested for child sexual abuse. He has affirmed here yet today the necessity of this measure in the enforcement, prosecution, and tracking of this crime. To be sure we understand what we are dealing with, I would like to read to you exerts from: Lanning K.V., Burgess, A.W.,1989, "Child Pornography and Sex Rings" in Zillmann D. Bryant, J.(Eds.) Pornography Resarch Advances and Policy Consideration. Hillsdale: N.J.: Erlbaum (attached)

Last fall when Christian Coalition of Montana conducted our legislative candidate survey prior to the general election, we presented a statement selection of either "support", "oppose", or "undecided" reponse to this statement: Strengthen the child pornography law as a felony offense. All the respondents regardless of party affiliation, had checked "support"...a 100% agreement.

It was obvious that we all shared the same concern and sentiments on this important issue.

Today, we are here to send a clear message to those who involve themselves in these heinous activities. This offense should never be lightly considered, but rather our childrens' psychological, physical, and emontional well-beings as well as the violation of their innocence is of much greater value then the $500 penalty associated with a misdemeanor offense. There is no value we can place to replace these violations perpetrated against our vulnerable and impressionable youth.

While there are organizations that exists today like NAMBLA, the North American Man Boy Love Ass., whose goal is to repeal laws that prevent men from having sex with boys, we must do all in our power to protect and counter such self- serving,destructive, attitudes. We must work to dry up the market.

With the recent arrests in Billings of a mother taking pictures of her under-age daughter engaging in sexual acts with the mother's boyfriend, and the suicide earlier this week of a man who had been caught soliciting for child pornography, we know the problem is very real. Let us enact a real deterent rather then a slap on the wrist. Won't you join us in the protection of our children by strenghtening this statute? Thank you. Respectfully submitted:

Laurie Koutnik

VI. CHILDREN AND ADOLESCENTS WHO ARE USED TO MAKE PORNOGRAPHY EXPERIENCE ADVERSE ENDURING EFFECTS—ONGOING HARM.

Koop, C. E. (1987). Report of the Surgeon General's Workshop on Pornography and Public Health. America Psychologist, 42 (10); 944-945.

Report of the Surgeon General's Workshop on Pornography and Public Health. (1986) Washington, D. C.: U.S. Public Health Service.

Silbert, M. H. Ch. 3, Handbook.

"Children and adolescents who participate in the production of pornography experience adverse, enduring effects" (p. 11).

"Involvement of children in the production of pornography is a form of sexual exploitation, victimizing vulnerable children and leaving them with the aftermath of this involvement" (p. 11).

"Involvement with pornography does seem to have a place in the dynamics of sexually exploiting children. Pornography has been used by adults to teach children how to perform sexual acts and to legitimize the children's participation by showing pictures of other children who are "enjoying" the activity" (p. 11).

"There is clear evidence that youth involved in the production of pornography are adversely affected by their participation" (p. 21).

—Report of the Surgeon General's Workshop, "Pornography and Public Health," Arlington, Virginia. June 22-24, 1986; pp. 11 & 21.

"Child pornography requires a child to be victimized. A child had to be sexually exploited to produce the material. Children used in pornography are desensitized and conditioned to respond as sexual objects. They are frequently ashamed of their portrayal in such material. They must deal with the permanency, longevity, and circulation of such a record of their sexual abuse" (p. 239).

"The follow-up of some of the children who were involved with adults (Burgess, Groth, & McCausland, 1981) indicates post-traumatic stress response, both acute, chronic, and delayed (Burgess, 1984). Prominent features of intrusive thoughts, avoidance behavior, gender identity conflicts, and stylized sexual behavior were noted" (p. 249).

"Child victims frequently have mixed feelings about the discovery of such a sex ring" (p. 250).

"They may be embarrassed about others discovering what they have been doing... It must not be misinterpreted as consent, complicity, or guilt" (p. 250).

"When you recognize the effect and scope of the trauma caused by nonviolent sexual manipulation, the amount of consideration given by the criminal justice system to such offenders simply because they are

nonviolent is baffling. Physically batter a child and you are locked up, but psychologically batter 100 children and you are left on the street because you are nonviolent. The devastation caused by such "nonviolent" victimization is psychological violence of the worst kind" (p. 250).

Lanning, K. V., and Burgess, A. W., (1989). "Child Pornography and Sex Rings." In Zillmann, D. & Bryant, J. (Eds.) Pornography: Research Advances and Policy Considerations. Hillsdale: NJ: Erlbaum.

"In hearings before both Houses of Congress in 1977, witnesses estimated that between 300,000 and 600,000 children were involved in child pornography" (p. 1).

"Clinical studies of children suffering from traumatic sexualization are disturbing. Children experience somatic complaints and sleep disorders, withdraw from other children and adults, and act out what they have been exposed to. These findings are based on the results of convincing long - and short-term clinical studies" (p. 2).

"The first conclusion is painfully obvious: "Children and adolescents who participate in the production of pornography experience adverse, enduring effects." These effects include what is called "traumatic sexualization," which is the result of a child's being coerced into viewing and participating in a broad range of sexual experiences. This experience can produce an obsession with, or aversion to, sexuality and intimacy. The behavioral manifestations in children who participate in pornography production include a range of pathological response such a preoccupation with sexual activity, sexual dysfunction, and phobic reactions to intimacy. These may last a lifetime. The vulnerability of children makes their victimization that much more enduring and devastating" (pp. 1-3).

Mason, James O. M.D., Dr. P.H., Assistant Secretary for Health. "The Harm of Pornography," Address to the Religious Alliance Against Pornography, October 26, 1989; pp. 1-3.

Jan.-Feb. 1992 **nambla** Vol. 13 No

BULLETIN

VOICE OF THE NORTH A[illegible]MAN/BOY LOVE ASSOCIATIO

$3.9

Why does the "No Special Rights" initiative include Pedoph
Because the "Gay Rights" movement includes Pedophi

The North American Man/Boy Love Association

CONSTITUTION AND POSITION PAPERS

The Constitution was adopted by the membership in December, 1980.

The North American Man/Boy Love Association (NAMBLA) is an organization founded in response to the extreme oppression of men and boys involved in consensual sexual and other relationships with each other. Its membership is open to all individuals sympathetic to man/boy love in particular and sexual freedom in general. NAMBLA is strongly opposed to age-of-consent laws and other restrictions which deny adults and youth the full enjoyment of their bodies and control over their lives. NAMBLA's goal is to end the long-standing oppression of men and boys involved in any mutually consensual relationship by:

1) building a support network for such men and boys;
2) educating the public on the benevolent nature of man/boy love;
3) cooperating with the lesbian, gay, and other movements for sexual liberation;
[illegible] sexual prejudice and oppression.

Woman admits abuse

12/13/94 IR

By The Billings Gazette

A woman accused of photographing her 12-year-old daughter being sexually assaulted by her live-in boyfriend pleaded guilty Wednesday in District Court as part of a plea bargain with prosecutors.

The Billings woman, whose name The Gazette is withholding to protect the identity of her daughter, pleaded guilty to sexual abuse of children, a felony that carries a maximum possible penalty of 50 years in prison.

In exchange for her plea, the Yellowstone County attorney's office dismissed four counts of sexual intercourse without consent, by accountability, against the woman.

District Court Judge William Speare set sentencing for Feb. 1.

The woman admitted during her court appearance Wednesday that she took pictures of her daughter being assaulted by Todd Anderson, whom she was living with at the time.

A babysitter for the woman last July found several pictures of Anderson and the young girl and notified police. Authorities obtained a search warrant and in addition to the photographs found other pornographic pictures, leather lingerie and books and videotapes depicting incest.

The couple were arrested a few days later in Jordan, where Anderson was working.

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EXHIBIT 5
DATE 1/20/95
HB 161

Jan.-Feb. 1992

namba

DATE 1/20/92
HB 161

Vol. 13 No. 1

BULLETIN

VOICE OF THE NORTH A[illegible]MAN/BOY LOVE ASSOCIATION

$3.95

Why does the "No Special Rights" initiative include Pedophilia?
Because the "Gay Rights" movement includes Pedophiles.

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1) building a support network for such men and boys;
2) educating the public on the benevolent nature of man/boy love;
3) cooperating with the lesbian, gay, and other movements for sexual liberation;
4) supporting the liberation of persons of all ages from sexual prejudice and oppression.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

JUDICIARY COMMITTEE DATE 1/20/95

BILL NO. 161 SPONSOR(S)

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Dallas Erickson 4479 Store Lane Stevensville MT 59870	MCDL	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORI ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993
wp:vissbcom.man
CS-14

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

JUDICIARY COMMITTEE DATE January 20, 19

BILL NO. HB 161 SPONSOR(S) Rep. Curtiss

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Laurie Koutnik	Christian Coalition of MT	✓	
Kenneth W. Moore	Montana Association of Churches		
SHARON HOFF	MT CATH CONF	✓	
John Connor	MT County Attys Assn	✓	
Arlette Randash	EAGLE Forum	✓	
Sharon Bakeisen	MACoM	✓	
Scott Crichton	ACLU		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORM ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993
wp:vissbcom.man
CS-14

REP. BOHARSKI withdrew his motion.

Motion/Vote: **REP. ANDERSON MOVED TO POSTPONE ACTION. The motion carried unanimously by voice vote.**

CHAIRMAN CLARK referred the bill to the subcommittee.

EXECUTIVE ACTION ON HB 161

Motion: **REP. CURTISS MOVED HB 161 DO PASS.**

Motion: **REP. KOTTEL MOVED TO AMEND PER EXHIBIT 5, ONLY NUMBERS 1 AND 2, ELIMINATING NUMBERS 3 AND 4.**

Discussion: **REP. KOTTEL** explained the amendments proposed as well as the reasons for eliminating Numbers 3 and 4 of her submitted amendments.

(Tape: 2; Side: B)

REP. MOLNAR asked if a video screen would cover both a computer and game.

REP. KOTTEL said she was open to any change in the language.

John MacMaster said that he added video screen because they are similar in their use in pornography.

REP. MOLNAR described his reasoning for questioning the language of the amendment in subsection (3) (b).

Motion: **REP. KOTTEL MOVED A SUBSTITUTE MOTION LEAVING THE WORD, "VIDEO" IN AND DELETING THE WORD, "GAME" AND IN THE THIRD LINE DELETING "COMPUTER" AND INSERTING "VIDEO."**

REP. BOHARSKI asked if it covered the possibility of someone downloading information onto a personal computer.

REP. KOTTEL explained why she believed it did.

REP. CURTISS questioned why this had been included in section 45-5-620, MCA, when the section being addressed was 45-5-625, MCA.

REP. KOTTEL told **REP. CURTISS** the rationale behind these portions being amended.

REP. MC CULLOCH felt that using only the words, "video screen" eliminated the computer concept.

REP. MOLNAR responded to her concern.

REP. MC CULLOCH was not convinced.

REP. KOTTEL felt that video screen was a more generic and broader term.

REP. MC CULLOCH was not sure a court system would understand video screen being the same as a computer screen.

REP. SOFT said he felt it would not hurt to leave the word, "computer," in for clarification. **REP. SOFT MOVED A SUBSTITUTE MOTION TO REINSERT THE WORD, "COMPUTER."**

REP. MC GEE suggested a friendly amendment adding the word, "other," before video screen. **EXHIBIT 6** reflects the changed amendment.

Vote: **The motion carried unanimously by voice vote.**

Motion/Vote: **REP. SOFT MOVED HB 161 DO PASS AS AMENDED. The motion carried, 18 - 0.**

EXECUTIVE ACTION ON HB 46

Motion: **REP. SOFT MOVED TO RECONSIDER ACTION ON HB 46.**

Discussion: **REP. BOHARSKI** asked for an explanation of the reasons.

REP. SOFT explained that since the time the bill was tabled additional information had been received from the proponents so that arsonists could be charged as felons as well as to be able to track them across the state.

{Tape: 2; Side: B; Approx. Counter: 15.7}

Vote: **The motion carried, 16 - 2, REPS. TREXLER AND BERGMAN voting no.**

Motion: **REP. SOFT MOVED HB 46 DO PASS.**

Discussion: **REP. MC GEE** felt this bill was important in that it defines this activity in a criminal format that is different from criminal mischief. He felt that burning something with the intent to do harm should be defined as arson.

REP. KOTTEL said there were three reasons the committee should reconsider and pass the bill. One has to do with truth in sentencing and truth in labeling a crime. Labeling it as arson allows bringing in a fire marshall for investigative purposes, a second reason is that arson is a trackable offense, in that they can follow offenders who often commit subsequent acts of an escalated nature, and the third reason is that it allows recovery of arson damages.

HOUSE OF REPRESENTATIVES

Judiciary

ROLL CALL DATE 1/24/95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bob Clark, Chairman	✓		
Rep. Shiell Anderson, Vice Chair, Majority	✓		
Rep. Diana Wyatt, Vice Chairman, Minority	✓		
Rep. Chris Ahner	✓		
Rep. Ellen Bergman	✓		
Rep. Bill Boharski	✓		
Rep. Bill Carey	✓		
Rep. Aubyn Curtiss	✓		
Rep. Duane Grimes	✓		
Rep. Joan Hurdle	✓		
Rep. Deb Kottel	✓		
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Brad Molnar	✓ late		
Rep. Debbie Shea	✓		
Rep. Liz Smith	✓ late		
Rep. Loren Soft	✓		
Rep. Bill Tash	✓		
Rep. Cliff Trexler	✓		

HOUSE STANDING COMMITTEE REPORT

January 24, 1995

Mr. Speaker: We, the committee on **Judiciary** report that **House Bill 161** (first reading copy -- white) **do pass as amended.**

Signed: Bob Clark

Bob Clark, Chair

And, that such amendments read:

1. Title, line 6.
Following: "CONDUCT;"
Insert: "EXPANDING THE DEFINITION OF THE OFFENSE;"
Strike: "SECTION"
Insert: "SECTIONS 45-5-620 AND"

2. Page 1, line 10.
Following: line 9
Insert: "**Section 1.** Section 45-5-620, MCA, is amended to read:
"**45-5-620. Definitions.** As used in 45-5-625, the following definitions apply:
(1) "Sexual conduct" means actual or simulated:
(a) sexual intercourse, whether between persons of the same or opposite sex;
(b) penetration of the vagina or rectum by any object, except when done as part of a recognized medical procedure;
(c) bestiality;
(d) masturbation;
(e) sadomasochistic abuse;
(f) lewd exhibition of the genitals, breasts, pubic or rectal area, or other intimate parts of any person; or
(g) defecation or urination for the purpose of the sexual stimulation of the viewer.
(2) "Simulated" means any depicting of the genitals or pubic or rectal area that gives the appearance of sexual conduct or incipient sexual conduct.

MW 1/24

Committee Vote:
Yes 18, No 0.

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EXHIBIT 5
DATE 1/24/95
HB 161

Amendments to House Bill No. 161
First Reading Copy

Requested by Rep. Kottel
For the Committee on the Judiciary

Prepared by John MacMaster
January 20, 1995

1. Title, line 6.
Following: "CONDUCT;"
Insert: "EXPANDING THE DEFINITION OF THE OFFENSE;"
Strike: "SECTION"
Insert: "SECTIONS 45-5-620 AND"

2. Page 1, line 10.
Following: line 9
Insert: "**Section 1.** Section 45-5-620, MCA, is amended to read:
"**45-5-620. Definitions.** As used in 45-5-625, the following definitions apply:
(1) "Sexual conduct" means actual or simulated:
(a) sexual intercourse, whether between persons of the same or opposite sex;
(b) penetration of the vagina or rectum by any object, except when done as part of a recognized medical procedure;
(c) bestiality;
(d) masturbation;
(e) sadomasochistic abuse;
(f) lewd exhibition of the genitals, breasts, pubic or rectal area, or other intimate parts of any person; or
(g) defecation or urination for the purpose of the sexual stimulation of the viewer.
(2) "Simulated" means any depicting of the genitals or pubic or rectal area that gives the appearance of sexual conduct or incipient sexual conduct.
(3) "Visual medium" means:
(a) any film, photograph, videotape, negative, slide, or photographic reproduction that contains or incorporates in any manner any film, photograph, videotape, negative, or slide; or
(b) any disc, diskette, or other physical media that allows an image to be displayed on a computer or video game screen and any image transmitted to a computer screen by telephone line, cable, satellite transmission, or other method.""

Renumber: subsequent section

3. Page 1, line 14.
Following: "simulated"
Insert: ", or for the purpose of talking about sexual conduct on the telephone with or to a person who pays for the conversation"

4. Page 1, line 18.
Following: "simulated,"
Insert: "or to talk about sexual conduct on the telephone with o
to a person who pays for the conversation,"

Proponents' Testimony:

Kathy McGowan, appeared on behalf of the Montana Sheriffs and Peace Officers Association. She read from and presented written testimony. **(EXHIBIT 6)**

Michael O'Hara, Jail Administrator, Missoula County, appeared to support HB 250. As many people know, he said, the State Prison has closed its doors and they were being told to hold state inmates in local jails. Three weeks ago, their jail was so overcrowded that they refused or released 12 offenders from the jail, including DUI's, domestic abuse cases, and misdemeanor theft offenders. This cannot be tolerated, he said. The day before, they had four absconders from Utah, juveniles, brought in by the city police. They could not hold them and had to get a district court to order them to Kalispell, then drive 150 miles and pay the $110 per day charge for each juvenile. He said they had between 90 and 100 persons on their waiting list, on a reservation system. Even if they had the room, he questioned why they should put those type of offenders in jails? Doing so would put the county at risk. A minor offender might be assaulted while in custody by the 2/3 population that is considered to be violent or felony offenders. On behalf of the **State Sheriffs** and the State of Montana, he asked for a favorable recommendation.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

REPRESENTATIVE McCULLOCH closed on HB 158. There are three reasons to vote for the bill, she said. 1) It gives courts other sentencing options. 2) It assists jail administrators in reserving space for more serious misdemeanor and felony cases. 3) Incarceration costs money. This bill makes better use of the taxpayers' dollars. She urged a Be Concurred In recommendation. She asked **SENATOR HALLIGAN** to carry the bill.

HEARING ON HB 161

Opening Statement by Sponsor:

REPRESENTATIVE AUBYN CURTISS, House District 81, Fortine, opened HB 161. She stated that the U.S. Supreme Court had called child pornography a serious national problem. After consideration of one related case, it concluded, "if the sexual abuse of children and pornography is to be curtailed, the production and distribution network must be eliminated. This short bill is a

straightforward effort to strengthen the sexual abuse of abuse statute found in 45-5-625. The most significant change is found on Page 2, Line 30 and Page 3, Line 1, which by increasing the penalty, changes the offense from a misdemeanor to a felony. Because of testimony offered in the House, provisions were amended into the bill to include use of electronic media which addressed the increasing use of network methods of spreading pornographic matter from terminal to terminal. That truly makes it a better bill and she urged concurrence.

Proponents' Testimony:

Dallas D. Erickson, representing The Montana Citizens for Decency Through Law, said his organization was a non-profit, Montana corporation, funded by Montanans. He presented and read from written testimony. **(EXHIBIT 7)**

{Tape: 2; Side: A; Approx. Counter: 00}

Arlette Randash, represented Eagle Forum in support of HB 161. She read from written testimony. **(EXHIBIT 8)**

Mary Alice Cook, representing the Advocates for Montana's Children, offered strong support for HB 161.

John Connor, appeared on behalf of the Montana County Attorneys Association in support of House Bill 161. The bill was not a part of the County Attorney's legislative agenda brought before the legislature this session, he said, but they were asked to support it. While they usually take no position on laws that increase or decrease penalties because they regard that as legislative policy, they do support laws that are designed for the protection of children. He said children were so easily victimized and so incapable of protecting themselves. Crimes against children are committed in secret and children are often threatened with retaliation beyond the scope of the crime committed against them. He said he was trained to recognize these types of crimes in a 20-year career. He had learned that people who commit these crimes cannot be cured; they can only be contained. He also learned that people who commit crimes against children frequently possess child pornography materials. He said they were encouraged to seek search warrants to look for that material so they could demonstrate a pattern of behavior that was consistent with the kind of crime committed. There is no Constitutional protection for the possession of this kind of material and although it cannot be sent through the mails, there is a thriving underground cottage industry where this kind of material is concerned. Increased penalties like this are worthwhile for the purpose of trying to monitor the behavior of these offenders, so if they are not incarcerated, at least they are on some sort of probationary sentence where the probation officer can monitor the behavior. The House amendment is also a good idea, he said.

Laurie Koutnik, Executive Director, Christian Coalition of Montana, the state's largest family advocacy organization, supported HB 161. She read from written testimony. **(EXHIBIT 9)**

David Hemion, representing the Montana Association of Churches, said that his prayer for the committee is that they do not become desensitized. He was sympathetic that the panel heard day in and day out all the criminal activity occurring in our homes and communities. He said Christian values call to protecting our children. The other side of Christian values call for compassion, he said. When they look at budgets in the next weeks, he asked them to look long and hard at what could be done with sex offenders to prevent further abuse of children through treatment. Especially sex offenders who are children themselves, he said.

Sharon Hoff, representing the Montana Catholic Conference and acting as liaison for Montana's two Roman Catholic Bishops, supported HB 161. There is nothing more heinous than child abuse, she said. To exploit and abuse those who are the most trusting is unconscionable. She agreed with the expanded definition and the inclusion of the electronic media. She urged stronger penalties for child sex abusers.

Bob Torres, appeared on behalf of the Montana Chapter of the National Association of Social Workers. He asked to echo the comments of the proponents. In terms of treatment of persons who are alleged sex offenders, it is very important to have a sufficient hammer in order to keep them involved in the process of treatment so that their alternatives are limited.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

SENATOR HALLIGAN asked **John Connor** if he had looked at other states and made sure they covered the imagery and the computer and the phone transmissions, etc. **Mr. Connor** said he had not looked at it for a couple of years. Some states made it a crime to possess pictures of children at 14 years of age, others at 16. He could not answer as to the technicalities of the computers. **SENATOR HOLDEN** asked **Ms. Randash** about her comment that, "children were damaged during the making of child porn." **Ms. Randash** said they were damaged psychologically, emotionally, spiritually and physically, many times causing problems all throughout life. **SENATOR DOHERTY** asked **John Connor** for an estimate of how many cases in Montana there have been in the last couple of years. He stated that by making the penalty a felony rather than a misdemeanor, it would send more people to prison. He asked how many additional convictions he expected. **Mr. Connor** said it would be a shot in the dark if he guessed. The fiscal note indicated that the Department of Corrections projected

minimal impact. The problem is they were basing their figures on the old law. He said the bill had value beyond that because of deterrents.

Closing by Sponsor:

REPRESENTATIVE CURTISS said she had served on a Task Force on Child Pornography headed in Kalispell. The acts committed on children are unspeakable, she said. The amendments relative to the electronic media were put on by **REPRESENTATIVE KOTTEL** in committee and she concurred with those. She stated that effecting the changes and increasing the penalty should give law enforcement officials an incentive to accelerate their efforts to prosecute these cases. Only by providing strong deterrents are we going to discourage those corrupt persons in our society who have no qualms about preying on the innocent to line their own pockets. She urged favorable consideration and concurrence.

HEARING ON SB 387

Opening Statement by Sponsor:

SENATOR TOM BECK, Senate District 28, Deer Lodge, sponsored SB 387. He stated he was trying to accomplish three things with this bill that he had presented before: 1) The bill would rectify the late claims process that had gotten out of sync. In 1983 Montana started to re-adjudicate the waters to protect the water holders in Montana, but when some were not in the process on a certain date, they were thrown out as adjudicated water rights. It was his desire to let some of those claims back in the adjudication process. It was not his intent to interfere with any compacts or with the McCarren decision, but to try to get waters already adjudicated in the court system back in the process. 2) The second part would address litigation currently going on with water rights claims. One farmer in his area had spent up to $60,000 protecting the rights he had adjudicated from other people trying to claim those rights. The sponsor said he was trying to expedite that process. Why not put the already adjudicated water rights into the temporary, preliminary decree, or those that had already gone through the courts? 3) The final part would form a committee to work in conjunction with the water courts to see if there were things they could do to expedite the adjudication process. They had been working on this for 15 years already, and projections were for 20-25 more years to complete it.

Proponents' Testimony:

Janice Rehberg, attorney, partner of Crowley, Haughey, Hanson, Toole and Dietrich, spoke on her own behalf and also represented Teigen Land and Livestock. She told the committee she had been involved in an issue with this bill for the past five years. She worked on two issues: 1) the late claims aspects, and 2) the advisory committee. She stated that she had attempted to develop

the people he was really worried about. He was not concerned about the people who filed on nebulous water rights, rather the ones that had their adjudicated rights in the process previous to this adjudication. It was a fairness issue. The longer it goes on, the more complicated it becomes. The fiscal note says it will extend for another year and one-quarter, the process of the water courts to put this into the system. There are things in the bill to shorten up the time frame. Maybe they would actually save money, he said, if the committee could come up with a way to expedite the process. He personally did not know how to straighten out the issue. He said portions of the law had neighbor fighting against neighbor. This is one system of state government that was not working all that well, he said.

CHAIRMAN CRIPPEN appointed a Subcommittee comprised of **SENATOR HOLDEN, CHAIR; SENATOR REINY JABS, SENATOR HALLIGAN AND SENATOR GROSFIELD.** He asked a recommendation back in no later than one week.

EXECUTIVE ACTION ON HB 250

Motion/Vote: **SENATOR HALLIGAN MOVED THAT HB 250 BE CONCURRED IN.** The **MOTION CARRIED UNANIMOUSLY** on an oral vote.

EXECUTIVE ACTION ON HB 161

Motion/Vote: **SENATOR HALLIGAN MOVED THAT HB 161 BE CONCURRED IN.** The **MOTION CARRIED UNANIMOUSLY** on an oral vote.

MONTANA SENATE
1995 LEGISLATURE
JUDICIARY COMMITTEE

ROLL CALL DATE 3-2-95

NAME	PRESENT	ABSENT	EXCUSED
BRUCE CRIPPEN, CHAIRMAN	✓		
LARRY BAER	✓		
SUE BARTLETT	✓		
AL BISHOP, VICE CHAIRMAN	✓		
STEVE DOHERTY	✓		
SHARON ESTRADA	✓		
LORENTS GROSFIELD	✓		
MIKE HALLIGAN	✓		
RIC HOLDEN	✓		
REINY JABS	✓		
LINDA NELSON	✓		

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SENATE STANDING COMMITTEE REPORT

March 2, 1995

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration HB 161 (third reading copy -- blue), respectfully report that HB 161 be concurred in.

Signed: _____
Senator Bruce Crippen, Chair

Amd. Coord.
Sec. of Senate

Sen. Benedict
Senator Carrying Bill

491217SC.SPV

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 7
DATE 3-2-95
SB 16

Montana Citizens for Decency through Law, Inc.

P.O. Box 4071 • Missoula, Montana 59806 • (406) 777-5862 • Fax: (406) 777-5025

March 2, 1995

Senate Judiciary Committee
Chairman Bruce Crippen
Members of the Committee
HB161 SEXUAL ABUSE OF CHILDREN

Increases Penalty For Possession of Child Porn from Misdemeanor to Felony

The *Final Report of the Attorney General's Commission on Pornography* recommended for state legislation (#44): **"State legislatures should amend laws, where necessary, to make the knowing possession of child pornography a felony."**

The report went on to say: "The United States Supreme Court has called child pornography "a serious national problem." In *New York v. Ferber*, the Court said that child pornography constitutes a permanent record of the children's participation in sexual activity, and the circulation of the pornography exacerbates the harm to children. If the sexual abuse of children in pornography is to be curtailed the production and distribution network must be eliminated."

There are several uses of child pornography identified in studies. Basically today it is pedophiles that use it and have it in their possession. They use it in the following ways:

1. For sexual arousal and gratification. Many use it in producing their own child pornography.

2. As a means of seducing child victims. Children have a built in resistance to sexual activity with an adult. They can many times be convinced by viewing other children having "fun" participating in the activity. Children are taught from an early age to respect and believe material contained in books and will thus carry those beliefs concerning child pornography. This lowers the inhibitions children have and entices him or her to engage in a desired activity. This also adds a certain amount of peer pressure as they see other children engaged in such activity.

3. It is used to illustrate **the activities** in which the pedophile wishes the child to engage, no matter how deviant. The pedophile asks the child to imitate the pictures.

4. Preserve the child's youth.

5. These depictions of a child may be used to blackmail the child. The pedophile uses the photos to scare the child and will often threaten to show the pictures to others if they do not cooperate.

6. Considered a valuable commodity among pedophile. They trade or sell them. The child is thus subjected to repeated victimization by countless numbers of pedophiles. Even though it may have begun as a home made item many times it is sold to commercial child pornography publication. It has a life of its own.

7. Profit.

"PRINT MEDIUM"

"Print medium" according to the ACLU could be construed to mean "written medium".

It is important to note that the state statute 45-5-625 already had "print medium" in it before this proposed change of penalty for possession. It is also in the Ohio law that was upheld by the U.S. Supreme Court.

While print medium is not defined the term "print" could refer to a computer print out or a print of a photo. It is true that only visual material can be charged under a child pornography law. The U.S. Supreme Court has made that clear in its decisions. (See the Final Report of the Attorney General's Commission on Pornography).

Any child pornography in a "written medium" would therefore not fall under a child pornography statute but would have to be judged under the *Miller* three prong test.

"DEVELOP"

Representative Cliff Trexler stated that he had a letter from a man who develops photo's requesting that the word "develops" be removed from Page 1 line 15. This man was concerned that the police may charge him with developing film that he didn't realize or know was child pornography.

There is the potential of abuse of this law as there is in any law. We do not have law enforcement officers, prosecutors or judges that would prosecute a person for developing a photo that they did not know was child pornography. If the child was old enough that it was not possible to determine age without further investigation then the developer didn't violate the law because they didn't "knowingly" develop the film.

If, however, the child was 8 years old then the developer would have no question and should report this to the officials. If he did not report it there certainly would be evidence that the person knowingly developed a photo of a child engaged in sexual conduct.

The real potential for abuse of this law comes from the side of the pornographer. If you remove the word "develop" from the law then a safe haven has been created for someone who assists in promoting child porn.

THE AMENDMENT

We support the amendment added by Representative Kottel concerning computers and video games.

HARM TO CHILDREN

"In hearings before both Houses of Congress in 1977, witnesses estimated that between, 300,000 and 600,00 children were involved in child pornography"

"Clinical studies of children suffering from traumatic sexualization are disturbing. Children experience somatic complaints and sleep disorders, withdraw from other children and adults, and act out what they have been exposed to. These findings are based on the results of convincing long - and short-term clinical studies".

"The first conclusion is painfully obvious: 'Children and adolescents who participate in the production of pornography experience adverse, enduring effects.' These effects include what is called 'traumatic sexualization', which is the result of a child's being coerced into viewing and participating in a broad range of sexual experiences. This experience can produce an obsession with, or aversion to, sexuality and intimacy. The behavioral manifestations in children who participate in pornography production include a range of pathological responses such as a preoccupation with sexual activity, sexual dysfunction, and phobic reactions to intimacy. These may last a lifetime. The vulnerability of children makes their victimization that much more enduring and devastating" (pp. 1-3).

Mason, James O. M.D., Dr. P.H., Assistant Secretary of Health. "Harm of Pornography", Address to the Religious Alliance Against Pornography, October 26, 1989; pp. 1-3.

CHILD MOLESTERS USE PORNOGRAPHY TO MOLEST CHILDREN

"No single characteristic of pedophilia is more pervasive than the obsession with child pornography. The fascination of pedophiles with child pornography and child erotica has been documented in many studies and has been established by hundreds of arrests of pedophiles who are found to possess a large amount of sexually explicit material involving children".

"Detective William Dworin of the Los Angeles Police Department estimates that of the 700 child molesters in whose arrest he has participated in during the last ten years, more than half had child pornography in their possession. About 80 percent owned either child or adult pornography".

"Each convicted child molester interviewed by the subcommittee either collected or produced child pornography, or both. Most said they had used the material to lower the inhibitions of children or to coach them into posing for photographs".

".... Kenneth Lanning of the FBI's Behavioral Science Unit, a recognized expert on pedophilia, elaborated on the pedophile's fascination with child pornography: ... The maintenance and growth of their collections becomes one of the most important things in their life".

" Experts cite seven primary reasons that pedophiles collect child pornography: Justification, arousal, to lower a child's inhibitions, preservations of the child's youth, blackmail, a medium of exchange, profit".

"Based on the information obtained during its investigations, the Subcommittee has reached the

following general conclusions: Child pornography plays a central role in child molestations by pedophiles, serving to justify their conduct, assist them in seducing their victims, and provide a means to blackmail the children they have molested in order to prevent exposure".
(Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, United States Senate, October 9, 1986. U.S. Government Printing Office, Washington: 1986. Report 99-537.)

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 8
DATE 3-2-95
BILL NO. HB 161

March 2, 1995

Senate Judiciary Committee
HB 161
Arlette Randash / Eagle Forum

In the Ferber case the Court recognized that it may be difficult, it not impossible, to stop the sexual exploitation of children by pursuing only those who produce child pornography. HB 161 by increasing the penalty acknowledges that court finding. Citing the clandestine nature of child pornography the Court said "the only practical method of law enforcement may be to 'dry up the market' for this material." The prohibition of the mere possession of child pornography is a necessary incident to 'drying up the market' for a product found to be extremely harmful to the youth of our nation. These laws are entirely consistent with other court decisions and are very different from other "obscenity" decisions because of the nature of little children damaged in the production of pornography.

As has been stated by other proponents this is an invisible crime because the distribution of child porn is underground. However, there are over 350 child pornography magazines published in the United States. And even though this industry tends to be invisible its effect is not. Montana has seen several pedophile cases in recent years. People who use child porn usually act their deviancy out.

Just since January I have collected numerous articles from the Helena newspaper about child porn cases. Keep in mind these clippings which I have enclosed for you are only the ones where child porn and abuse were linked by the police department and then reported by the print media. I believe there are far more instances than this small sampling taking place in reality and the reason for that is the heart breaking letter to editor that I have also included where no charges were filed because the child was to little to be considered a credible witness.

Because of these facts and because this law would give teeth and tracking ability through increased incarceration time and penalties I urge a 'do pass' on HB 161.

1/15/95 IR

Convicted man kills self

BILLINGS (AP) — A man within an hour of being sentenced on child pornography charges killed himself at a motel here.

Robert Brooks, 59, shot himself on Friday after seeking assurance that he wouldn't be sent to prison.

"He wanted to know, is he or is he not going to prison," said public defender Sandy Selvey. "I guess he just wasn't willing for that decision to be made."

Brooks asked his attorney to explain that he would not be in court on Friday, then hung up the telephone. By the time police arrived at the Parkway Motel a few minutes later, Brooks had shot himself in the forehead.

Authorities began investigating him in February, after learning that a sexually explicit picture of a young girl was posted in a Billings adult-book store. The picture included an offer of sexual contact with minors and asked those interested to leave a name and telephone number.

During the investigation, Brooks sent pornographic pictures of young girls to an undercover officer who provided a post office box as an address. Brooks was arrested after officers raided his former Billings home in June. He pleaded guilty to child-pornography charges in July and was released.

Prosecutors said they intended to ask that he be placed under supervision of the state Corrections Department for 20 years.

The Susan G. Komen
Breast Cancer Foundation
RACE

Accused child molester changes plea to guilty

2/23/95 IR

By LORNA THACKERAY
Billings Gazette

With just a few defense witnesses left to testify, Vernon Virgil Chopper decided Wednesday afternoon to change his plea in a federal sexual abuse case to guilty.

The 41-year-old Wolf Point man will be sentenced on the charge in April by U.S. District Judge Jack Shanstrom, who had presided at the jury trial that started Monday. If Chopper had been convicted by the jury, the sentence could have been two or three years in prison.

According to the terms of a verbal agreement with Assistant U.S. Attorney Klaus Richter, a sentence of probation and counseling will be recommended. While he is awaiting sentencing, Chopper will remain out of jail as long as he follows conditions set by the court.

Chopper had been charged with having sexual contact with a 5-year-old boy July 16 in Wolf Point. Richter said that the child told his mother that Chopper had awakened him and touched him on his bottom. The prosecution had a statement signed by Chopper 10 days after the incident in which he admitted touching the boy.

Defense attorney Mark Werner maintained that Chopper merely gave the child a tap on the bottom to wake him up to go to the bathroom. He also told the jury that Chopper admitted to the crime when interviewed by the Bureau of Indian Affairs and FBI simply because he wanted to leave the jail and get a drink.

Much of the defense testimony Wednesday morning concerned Chopper's admitted alcoholism. Chopper himself took the stand to tell the jury that the disease had taken a more important place in his life than anything else, including his family. He said that he drank three half gallons of wine a day and sometimes a six-pack of beer.

On the day he gave his statement to investigators, Chopper said, he had started the day with a half gallon of wine. Although officers said Chopper did not appear, act or smell intoxicated, Chopper said he was putting on an act. He testified that he could feel the DTs coming on and didn't think he would be free to leave and search for a drink unless he told the officers what they wanted to hear.

"I wanted to get out of there," he said. "I didn't want to be there

[illegible] licans to oppose the bill.

I fail to see the logic in Ahner's actions — particularly considering the Republican Action Plan which spoke definitively about keeping our schools weapon-free.

We don't need another tragedy in our schools. I had hoped our representatives would have stood firm and supported legislation which allows our schools to effectively crack down on student misconduct.

Hildred Scire
801-1/2 Stuart Street

Appreciates support

The Warren School PTO would like to thank the many Helena and East Helena businesses who supported our recent school carnival. Their generous gifts of merchandise, advertising, and numerous other items helped us have a very successful and fun-filled carnival and raffle. We are proud of our hometown businesses and find it gratifying that so many are willing to sponsor events at Warren School and other Helena schools as well.

We also want to thank our school-business partner, D.A. Davidson, for taking time to run one of our games and generously donate to the carnival. And our thanks to our generous friends at County Market for supporting Warren School and our community in so many ways.

We appreciate all of our contributors very much!

Chris Eby, Cathy Malach, Nancy Westerbuhr
Warren School Carnival Committee Chairs

[illegible] in the 9 a.m. water aerobics class instructed by Carrie Ann Drinville.

Teddy Mergenthaler, member
And the 9 a.m. Aerobics Class
Helena YMCA

Student seeks help

My name is Chris Stearns and I am a fifth grade student who attends Truman Benedict School in San Clemente, Calif.

I am researching and writing a report on the state of Montana. I was hoping you would be able to print my letter in your newspaper asking your readers to send me information in the form of letters, phamplets, maps or postcards.

Thank you for your prompt attention to my request.

Chris Stearns
Truman Benedict School
1251 Sarmentoso Rm. D-3
San Clemente, CA 92673

Supports the raises

The proper legislation to give immediate raises to the state's top elected officials in the way that would not give the governor the option of approving immediate raises for the other executive officials without also approving his own. That should make it less "awkward" for him to sign the bill when it hits his desk.

Paul S. Roos
1200 Floweree

Another horror story

I have another horrible story that needs to be heard.

My 3-year-old daughter was raped and molested in August by a man I knew and trusted. She was taken to a "grandma's" house where she was made to perform fellatio while pictures were taken of her. Her vaginal structures are so widely open that she gets infections. Her doctor, the police, attorney, and her counselor all know the man is guilty but can do nothing until she is old enough to testify. At that time, I will prosecute to the fullest extent.

I can surely never give her back what he has taken, but I can be there for her always in love and in hope.

Name withheld to protect the
identity of the child

Worked Hard to

Ultimate Return.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 9
DATE 3-2-95
BILL NO. HB 161

Mr. Chairman, members of the committee:

For the record, my name is Laurie Koutnik, executive director of Christian Coalition of Montana, the largest grassroots family advocacy organization in our state. I rise to support HB 161, strengthening the law concerning the possession of child pornography from a misdemeanor to a felony offense.

Two years ago when Rep. Jim Rice introduced our current law, it met with overwhelming and unanimous support in both houses. At that time, John Connor, representing the Mt. County Attorneys Ass. testified that this measure was needed because of the strong link between the possession of child pornography and people arrested for child sexual abuse. He has affirmed here yet today the necessity of this measure in the enforcement, prosecution, and tracking of this crime. To be sure we understand what we are dealing with, I would like to read to you exerts from: Lanning K.V., Burgess, A.W.,1989, "Child Pornography and Sex Rings" in Zillmann D. Bryant, J.(Eds.) Pornography Resarch Advances and Policy Consideration. Hillsdale: N.J.: Erlbaum (attached)

Last fall when Christian Coalition of Montana conducted our legislative candidate survey prior to the general election, we presented a statement selection of either "support", "oppose", or "undecided" reponse to this statement: Strengthen the child pornography law as a felony offense. All the respondents regardless of party affiliation, had checked "support"...a 100% agreement.

It was obvious that we all shared the same concern and sentiments on this important issue.

Today, we are here to send a clear message to those who involve themselves in these heinous activities. This offense should never be lightly considered, but rather our childrens' psychological, physical, and emontional well-beings as well as the violation of their innocence is of much greater value then the $500 penalty associated with a misdemeanor offense. There is no value we can place to replace these violations perpetrated against our vulnerable and impressionable youth.

While there are organizations that exists today like NAMBLA, the North American Man Boy Love Ass., whose goal is to repeal laws that prevent men from having sex with boys, we must do all in our power to protect and counter such self- serving,destructive, attitudes. We must work to dry up the market.

With the recent arrests in Billings of a mother taking pictures of her under-age daughter engaging in sexual acts with the mother's boyfriend, and the suicide earlier this week of a man who had been caught soliciting for child pornography, we know the problem is very real. Let us enact a real deterent rather then a slap on the wrist. Won't you join us in the protection of our children by strenghtening this statute? Thank you. Respectfully submitted:

VI. CHILDREN AND ADOLESCENTS WHO ARE USED TO MAKE PORNOGRAPHY EXPERIENCE ADVERSE ENDURING EFFECTS-- ONGOING HARM.

Koop, C. E. (1987). Report of the Surgeon General's Workshop on Pornography and Public Health. America Psychologist, 42 (10); 944 945.

Report of the Surgeon General's Workshop on Pornography and Public Health. (1986) Washington, D. C.: U.S. Public Health Service.

Silbert, M. H. Ch. 3, Handbook.

"Children and adolescents who participate in the production of pornography experience adverse, enduring effects" (p. 11).

"Involvement of children in the production of pornography is a form of sexual exploitation, victimizing vulnerable children and leaving them with the aftermath of this involvement" (p. 11).

"Involvement with pornography does seem to have a place in the dynamics of sexually exploiting children. Pornography has been used by adults to teach children how to perform sexual acts and to legitimize the children's participation by showing pictures of other children who are "enjoying" the activity" (p. 11).

"There is clear evidence that youth involved in the production of pornography are adversely affected by their participation" (p. 21).

--Report of the Surgeon General's Workshop, "Pornography and Public Health," Arlington, Virginia. June 22-24, 1986; pp. 11 & 21.

"Child pornography requires a child to be victimized. A child had to be sexually exploited to produce the material. Children used in pornography are desensitized and conditioned to respond as sexual objects. They are frequently ashamed of their portrayal in such material. They must deal with the permanency, longevity, and circulation of such a record of their sexual abuse" (p. 239).

"The follow-up of some of the children who were involved with adults (Burgess, Groth, & McCausland, 1981) indicates post-traumatic stress response, both acute, chronic, and delayed (Burgess, 1984). Prominent features of intrusive thoughts, avoidance behavior, gender identity conflicts, and stylized sexual behavior were noted" (p. 249).

"Child victims frequently have mixed feelings about the discovery of such a sex ring" (p. 250).

"They may be embarrassed about others discovering what they have been doing... It must not be misinterpreted as consent, complicity, or guilt" (p. 250).

"When you recognize the effect and scope of the trauma caused by nonviolent sexual manipulation, the amount of consideration given by the criminal justice system to such offenders simply because they are

EXHIBIT 9
DATE 3-2-95
HB 161

nonviolent is baffling. Physically batter a child and you are locked up, but psychologically batter 100 children and you are left on the street because you are nonviolent. The devastation caused by such "nonviolent" victimization is psychological violence of the worst kind" (p. 250).

Lanning, K. V., and Burgess, A. W., (1989). "Child Pornography and Sex Rings." In Zillmann, D. & Bryant, J. (Eds.) Pornography: Research Advances and Policy Considerations. Hillsdale: NJ: Erlbaum.

"In hearings before both Houses of Congress in 1977, witnesses estimated that between 300,000 and 600,000 children were involved in child pornography" (p. 1).

"Clinical studies of children suffering from traumatic sexualization are disturbing. Children experience somatic complaints and sleep disorders, withdraw from other children and adults, and act out what they have been exposed to. These findings are based on the results of convincing long - and short-term clinical studies" (p. 2).

"The first conclusion is painfully obvious: "Children and adolescents who participate in the production of pornography experience adverse, enduring effects." These effects include what is called "traumatic sexualization," which is the result of a child's being coerced into viewing and participating in a broad range of sexual experiences. This experience can produce an obsession with, or aversion to, sexuality and intimacy. The behavioral manifestations in children who participate in pornography production include a range of pathological response such a preoccupation with sexual activity, sexual dysfunction, and phobic reactions to intimacy. These may last a lifetime. The vulnerability of children makes their victimization that much more enduring and devastating" (pp. 1-3).

Mason, James O. M.D., Dr. P.H., Assistant Secretary for Health. "The Harm of Pornography," Address to the Religious Alliance Against Pornography, October 26, 1989; pp. 1-3.

Jan.-Feb. 1992 nambla Vol. 13 No. 1

BULLETIN

VOICE OF THE NORTH A[illegible]MAN/BOY LOVE ASSOCIATION

$3.95

Why does the "No Special Rights" initiative include Pedophilia?
Because the "Gay Rights" movement includes Pedophiles!

The North American Man/Boy Love Association

CONSTITUTION AND POSITION PAPERS

The Constitution was adopted by the membership in December, 1980.

The North American Man/Boy Love Association (NAMBLA) is an organization founded in response to the extreme oppression of men and boys involved in consensual sexual and other relationships with each other. Its membership is open to all individuals sympathetic to man/boy love in particular and sexual freedom in general. NAMBLA is strongly opposed to age-of-consent laws and other restrictions which deny adults and youth the full enjoyment of their bodies and control over their lives. NAMBLA's goal is to end the long-standing oppression of men and boys involved in any mutually consensual relationship by:

1) building a support network for such men and boys;
2) educating the public on the benevolent nature of man/boy love;
3) cooperating with the lesbian, gay, and other movements for sexual liberation;

[illegible] and oppression;

The Lavender Network
Oregon's Lesbian and Gay Newsmagazine

PERSONALS

Unlike the Marines, I am not looking for a Few Good Men to send them off to the War In the Gulf. Rather, I like men

GWF 46 touch, share wumminly warmth and wit with me. Intelligence and loyalty are the Goddess gifts that bond us. We'll seek simple and sophisticated adventures, reveling in the joyous appreciation of us. Reply TLN Box #245

27 y/o GWM 5'8", 140 lbs, brown hair, green eyes...looking to meet someone interested in life outside the bars. I am romantic, handsome, honest, seeking new friends...possible lover, TP#19001λ

GWM; 40, 6', 165#, good body, young hearted, fun, dancer, talented, masculine, serious relationship minded replies only, from ages + or - 30-38, good looking men only, no phonies please. I have a lot to offer to the right person. TP#19002λ

SF Dominant; attractive, petite, brunette, sexually experienced, non-[illegible] Femme for [illegible] Yes that's how we want it. (Eugene Area) TP# 19003λ

Lesbian, young 46, honest, good sense of humor, enjoys life, love and the pursuit of happiness. Looking for friends and someone special to share these things. TP# 19004λ

GWM, 60, 6'+, 180# wants a dance partner in Eugene area. Other sensual and enjoyable life experiences are also possibilities. TP# 19005λ

SERVICES

Colon Cleaning & Detox sessions available in PDX - Write, CM, PO Box 6415, Portland, OR 97228-6415.

TRAVEL

Male seek same to vacation with: long-week ends and week-long vacations desired. Must be playful, fun, good sense of humor, and spontaneous. Call 503-796-1592

ORGANIZATIONS

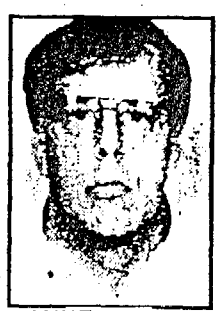
Man/Boy love. NAMBLA seeks justice for men and boys interested in consensual relationships. Our monthly Bulletin features news, fiction, letters, pictures. Mailed discreetly. Subscribe! $25/year NAMBLA, Dept. LN, POB 174, NY, NY 10018.

Oregonian April 18, 1992

Portland man jailed in molestation case

By DAVE HOGAN
of The Oregonian staff

Portland Police have arrested a former Boy Scout leader on accusations that he fondled and sodomized two boys in his Southeast Portland apartment.


PAYNE

Dennis E. Payne, 40, was being held in the Justice Center jail Friday on four counts of third-degree sodomy and two counts of endangering the welfare of a minor.

Payne was an assistant leader for a Boy Scout troop in Newberg from 1984 to 1986, but he has not been involved in the organization since that time, said Douglas S. Smith Jr., scout executive for the Boy Scouts of America Columbia Pacific Council.

Police arrested Payne Thursday after searching his apartment and two storage lockers at 1910 S.E. Ash St., said Sgt. Derrick Foxworth, spokesman for the Portland Police Bureau.

In the search, investigators seized several items, including a note to Payne from the North American Man/Boy Love Association and a blue binder with "a manuscript to Jim Regier," Foxworth said.

James Regier was a Gresham middle school t[illegible] to his death from Portland's Vista Bridge three days after he was arrested in March 1991 on charges of sex abuse and dealing in child pornography.

Two boys, ages 11 and 15, told police earlier this month that Payne had fondled or orally sodomized them at his apartment on several occasions since meeting him in early 1991 at a Southeast Portland game arcade. The boys said they sometimes ran away from home and stayed overnight with Payne, Foxworth said.

After serving as assistant leader for a Boy Scout troop in Newberg from 1984 to 1986, Payne moved to California, said Smith of the Boy Scouts of America.

Payne returned to Oregon in 1988, but scout officials denied his request to resume scouting activities, Smith said.

"We heard some information that made us believe he did not meet our standards as a leader, so in the spring of 1988 we denied his application to return to scouting," Smith said.

Smith said that he could not discuss details of the information about Payne, but he said "It wasn't sexual in nature" and it had nothing to do with anything he did while he was involved in scouting.

"I don't have on record any allegations of a sexual nature (regarding Payne) nor do I have any allegations of misconduct as a scout leader," Smith said.

Continued On Page 70